



Land Clauses Consolidation Act 1845

CHAPTER 18

LAND CLAUSES CONSOLIDATION ACT 1845

- [1.] Act to apply to all undertakings authorized by Acts hereafter to be passed.

Interpretation

And with respect to the construction of this Act and...

- 2 “Special Act:” ”Prescribed:”The works:”Promoters of the undertaking”
- 3 Interpretations in this and the special Act:
- 4 Short title of the Act.
- 5 Form in which portions of this Act may be incorporated with other Acts.

Purchase of lands by agreement.

And with respect to the purchase of lands by agreement,...

- 6 Power to purchase lands by agreement.
- 7 Parties under disability enabled to sell and convey.
- 8 Parties under disability to exercise other powers.
- 9 Amount of compensation in case of parties under disability to be ascertained by valuation, and paid into the Bank.
- 10 Where vendor absolutely entitled, lands may be sold on chief rents.
- 11 Payment of rents to be charged on tolls.
- 12 Power to purchase lands required for additional accommodation.
- 13 Authority to sell and re-purchase such lands.
- 14 Restraint on purchase from incapacitated persons.
- 15 Municipal corporations not to sell without the approbation of the Treasury.

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845. (See end of Document for details)

Purchase of lands otherwise than by agreement

- And with respect to the purchase and taking of lands...
- 16 Capital to be subscribed before compulsory powers put in force.
- 17 Evidence as to capital having been subscribed.
- 18 Notice of intention to take lands.
- 19 Service of notices on owners and occupiers of lands.
- 20 Service of notice on a corporation aggregate.
- 21 If parties fail to treat or in case of dispute, question to be settled as after mentioned.
- 22 Disputes as to compensation, not exceeding 50*l.* to be settled by two justices.
- 23—57
- 58 †Compensation to absent parties to be determined by a surveyor appointed by two justices.
- 59, 60
- 61 Valuation, &c. to be produced to the owner of the lands on demand.
- 62 Expences to be borne by promoters.
- 63 Purchase money and compensation, how to be estimated.
- 64 Where compensation to absent party has been determined by a surveyor, the party may have the same submitted to arbitration.
- 65 Question to be submitted to the arbitrators.
- 66 If further sum awarded, promoters to pay or deposit same within 14 days.
- 67 Costs of the arbitration.
- 68 †To be settled by arbitration or jury, at the option of the party claiming compensation.

Application of compensation

- And with respect to the purchase money or compensation coming...
- 69 †Purchase money payable to parties under disability, amounting to 200*l.* to be deposited in the Bank.
- 70 Order for application, and investment meanwhile.
- 71 Sums from 20*l.* to 200*l.* to be deposited, or paid to trustees.
- 72 Sums not exceeding 20*l.* to be paid to parties.
- 73 All sums payable under contract with persons not absolutely entitled, to be paid into Bank.
- 74 Court of Chancery may direct application of money in respect of leases or reversions as they may think just.
- 75 Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking upon a deed poll being executed.
- 76 Where parties refuse to convey, or do not show title, or cannot be found, the purchase money to be deposited.
- 77 Upon deposit being made a receipt to be given, and the lands to vest upon a deed poll being executed.
- 78 Application of monies so deposited.
- 79 Party in possession to be deemed the owner.
- 80 Costs in cases of money deposited.

Conveyances

And with respect to the conveyances of lands, be it...

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845. (See end of Document for details)

- 81 Form of conveyances.
- 82 Costs of conveyances.
- 83 Taxation of costs of conveyances.

Entry on lands

- And with respect to the entry upon lands by the...
- 84 Payment of price to be made previous to entry, except to survey, &c.
 - 85 Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond.
 - 86 Application of Funds in court.
 - 86 Application of Funds in court.
 - 89 Penalty on the promoters of the undertaking entering upon lands without consent before payment of the purchase money.
 - 90 Decision of justices not conclusive, &c.
 - 91 Proceedings in case of refusal to deliver possession of lands.
 - 92 Parties not to be required to sell part of a house.

Intersected lands

- And with respect to small portions of intersected land, be...
- 93 Owners of intersected lands may insist on sale.
 - 94 Promoters of the undertaking may insist on purchase where expence of bridges, &c. exceeds the value.
- 95—98

Common lands

- And with respect to any such lands being common or...
- 99 Compensation for common lands, where held of a manor, &c. how to be paid.
 - 100 Lord of the manor, &c. to convey to the promoters of the undertaking, on receiving compensation for his interest.
 - 101 Compensation for common lands where not held of a manor how to be ascertained.
 - 102 A meeting of the parties interested to be convened.
 - 103 Meeting to appoint a committee.
 - 104 Committee to agree with the promoters of the undertaking.
 - 105 Disputes to be settled as in other cases.
 - 106 If no committee be appointed, the amount to be determined by a surveyor.
 - 107 Upon payment of compensation payable to commoners, the lands to vest.

Lands in mortgage

- And with respect to lands subject to mortgage, be it...
- 108 Power to redeem mortgages.
 - 109 Deposit of mortgage money on refusal to accept.
 - 110 Sum to be paid when mortgage exceeds the value of the lands.
 - 111 Deposit of money when refused on tender.
 - 112 Sum to be paid where part only of mortgaged lands taken.
 - 113 Deposit of money when refused on tender.
 - 114 Compensation to be made in certain cases if mortgage paid off before the stipulated time.

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845. (See end of Document for details)

Rent-charges

- And with respect to lands charged with any rent service,...
- 115 Release of lands from rent-charges.
 - 116 Release of part of lands from charge.
 - 117 Deposit in case of refusal to release.
 - 118 Charge to continue on lands not taken.

Leases

- And with respect to lands subject to leases, be it...
- 119 Where part only of lands under lease taken, the rent to be apportioned.
 - 120 Tenants to be compensated.
 - 121 Compensation to be made to tenants at will &c.
 - 122 Where greater interest claimed than from year to year, lease to be produced.
 - 123 Limit of time for compulsory purchase.

Interests omitted to be purchased

- And with respect to interest in lands which have by...
- 124 Promoters of the undertaking empowered to purchase interests in lands, the purchase whereof may have been omitted by mistake.
 - 125 How value of such lands to be estimated.
 - 126

Sale of superfluous Land

- And with respect to lands acquired by the promoters of...
- 127 Lands not wanted to be sold, or in default to vest in owners of adjoining lands.
 - 128 Lands to be offered to owner of lands from which they were originally taken or to adjoining owners.
 - 129 Right of pre-emption to be claimed within six weeks.
 - 130 Differences as to price to be settled by arbitration.
 - 131 Lands to be conveyed to the purchasers.
 - 132 Effect of the word "grant" in conveyances.
 - 133 †Land tax and poor's rate to be made good.

Notices

- 134 Service of notices upon company.
- 135 Tender of amends.

Recovery of penalties

- And with respect to the recovery of forfeitures, penalties, and...
- 136 Penalties to be summarily recovered before two justices.
 - 137
 - 138 Distress how to be levied.
 - 139
 - 140 Distress against the treasurer.
 - 141 Distress not unlawful for want of form.
 - 142
 - 143
 - 144

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845. (See end of Document for details)

145
146 †Parties allowed to appeal to quarter sessions, on giving security.
147
148
149

Access to special Act

And with respect to the provision to be made for...
150 Copies of special Act to be kept and deposited, and allowed to be inspected.
151 Penalty on company failing to keep, &c.
152 Extent of Act.
153

SCHEDULES referred to in the foregoing Act
SCHEDULE (A.) —

FORM of Conveyance

I, of, in consideration of the sum of...

SCHEDULE (B.) —

FORM of Conveyance on Chief Rent

I, of in consideration of the rent-charge to be...

SCHEDULE (C) —

.....

Changes to legislation:

There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845.